

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC**

201 St. Charles Ave., Suite 3600  
New Orleans, LA 70170  
Telephone: 504-566-8616

and

**FINAZZO COSSOLINI O'LEARY  
MEOLA & HAGER, LLC**

36 Cattano Avenue, Suite 500  
Morristown, New Jersey 07960  
Telephone: 973-343-4960

**Attorneys for Defendants**

Multiplan, Inc.; Aetna, Inc.; Christian Brothers Services; Coventry Health Care, Inc.; Government Employees Health Association, Inc.; The Guardian Life Insurance Company Of America; Health Net, Inc.; Self Funded Benefits, Inc. d/b/a Insurance Design Administrators, Inc.; National Association Of Letter Carriers Health Benefit Plan; Nippon Life Insurance Company Of America; Oxford Health Plans, LLC; Qualcare, Inc.; Tower Life Insurance Company; I.U.O.E. Local 15 Welfare Fund; Unicare Life & Health Insurance Company; United Healthcare Services, Inc.; Amerihealth; The Principal Life Insurance Company; Private Healthcare Systems, Inc.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

SPORTSCARE OF AMERICA, P.C.,

Plaintiff,

vs.

MULTIPLAN, INC.; AETNA, INC.;  
CHRISTIAN BROTHERS SERVICES; CIGNA;  
COVENTRY HEALTH CARE; GOVERNMENT  
EMPLOYEES HEALTH ASSOCIATION, INC.;  
GREAT-WEST HEALTHCARE; THE  
GUARDIAN LIFE INSURANCE COMPANY  
OF AMERICA; HEALTH NET, INC.;  
INSURANCE DESIGN ADMINISTRATORS,  
INC.; MASKIN GROUP; NATIONAL  
ASSOCIATION OF LETTER CARRIERS  
HEALTH BENEFIT PLAN; NIPPON LIFE  
INSURANCE COMPANY OF AMERICA;  
OXFORD HEALTH PLANS, LLC;  
QUALCARE, INC.; TOWER LIFE  
INSURANCE COMPANY; I.U.O.E. LOCAL

CIVIL ACTION NO:  
2:10-cv-04414-WJM-MF

**DEFENDANT INSURANCE DESIGN  
ADMINISTRATORS, INC.'S  
STATEMENT OF MATERIAL FACTS**

15 WELFARE FUND; UNICARE LIFE &  
HEALTH INSURANCE COMPANY; UNITED  
HEALTHCARE SERVICES, INC.;  
AMERIHEALTH; THE PRINCIPAL  
FINANCIAL GROUP, INC.; PRIVATE  
HEALTHCARE SYSTEMS,

Defendants.

Defendant Insurance Design Administrators, Inc. ("IDA") submits the following Statement of Material Facts pursuant to L. Civ. R. 56.1 as to which IDA contends there is no genuine issue:

1. Plaintiff Sportscare of America, PC ("Plaintiff" or "Sportscare") instituted suit against IDA seeking recovery of additional payment for its alleged rendering of medical services to certain patients covered under a particular ERISA plan. Plaintiff's First Amended Complaint (hereafter "Amended Complaint"), ¶¶32, 35.

2. The Plan relevant to the litigation against IDA is the Self Funded Benefits Inc. d/b/a/ Insurance Design Administrators Plan, a group benefits plan administered by IDA ("Plan"). Declaration of Daniel W. Roslokken (hereinafter "Roslokken Decl."), ¶ 4.

3. Daniel W. Roslokken, General Counsel and custodian of the claim records and files for IDA and coincidentally the patient to which this litigation relates, has reviewed and has personal knowledge of all claims submitted by Sportscare of America, P.C. on behalf of the Plan members regarding medical services provided by Sportscare of America, P.C, which are at issue in this litigation. *See*, Roslokken Decl., ¶¶ 4,5 and 12.

4. No request for an administrative appeal was ever submitted to IDA or the Plan regarding denial or payment of any of the claims relevant to this litigation. Roslokken Decl., ¶7.

5. Neither Plaintiff, nor the participant in the Plan (Mr. Roslokken himself), ever engaged in the administrative appeal process, either in writing or orally, regarding any of the claims listed in Exhibit "A." Roslokken Decl., ¶8.

6. At no time did Sportscare balance bill Mr. Roslokken or otherwise seek reimbursement from him. They neither pursued a formal appeal nor contacted him (the patient) in order to foster any such appeal. Roslokken Decl., ¶13.

7. The Plan sets forth a detailed process for administrative appeal of any decision regarding a claim for payment of medical services submitted to the Plan. Roslokken Decl., ¶10.

8. An administrative appeal is a prerequisite to legal action, thus the Plan requires a member (or a provider acting on a member's behalf and pursuant to the assignment of benefits under the Plan) to exhaust all available administrative remedies provided for in the Plan before any legal action is brought. Roslokken Decl., ¶11.

Dated: June 28, 2011

Respectfully Submitted,

/s/ Rachel R. Hager  
RACHEL R. HAGER, ESQ.

**FINAZZO COSSOLINI O'LEARY  
MEOLA & HAGER, LLC**  
36 Cattano Avenue, Suite 500  
Morristown, NJ 07960  
[rachel.hager@finazzolaw.com](mailto:rachel.hager@finazzolaw.com)

– and –

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC**  
201 St. Charles Ave., Suite 3600  
New Orleans, LA 70170

Attorneys for Defendants  
Multiplan, Inc.; Aetna, Inc.; Christian Brothers Services;  
Coventry Health Care, Inc.; Government Employees Health

Association, Inc.; The Guardian Life Insurance Company Of America; Health Net, Inc.; Self Funded Benefits, Inc. d/b/a Insurance Design Administrators, Inc.; National Association Of Letter Carriers Health Benefit Plan; Nippon Life Insurance Company Of America; Oxford Health Plans, LLC; Qualcare, Inc.; Tower Life Insurance Company; I.U.O.E. Local 15 Welfare Fund; Unicare Life & Health Insurance Company; United Healthcare Services, Inc.; Amerihealth; Principal Life Insurance Company and Private Healthcare Systems Inc.